

## **CS/SB 120 – Offenses by Aliens Unlawfully Present in the United States**

Creates s. 775.0864, F.S., requiring specified offenses relating to sexual battery, aggravated assault with a deadly weapon, murder, unlawful use of a destructive device or bomb, and armed burglary, to be reclassified if committed by unlawfully present aliens as follows:

- 1<sup>st</sup> degree misdemeanor increased to Level 2, 3<sup>rd</sup> degree felony
- 3<sup>rd</sup> degree felony increased to 2<sup>nd</sup> degree felony
- 2<sup>nd</sup> degree felony increased to 1<sup>st</sup> degree felony
- 1<sup>st</sup> degree felony increased to life felony

Furthermore, a felony offense that is reclassified is ranked one level above the ranking under s. 921.0022, F.S. or s. 921.0023, F.S. of the offense committed.

FDLE does not collect data on arrests and court outcomes for illegal or legal immigrants committing misdemeanors. Per DOC, 145 offenders designated as aliens were admitted to prison in FY 15-16 for crimes described in the bill. Furthermore, 105 of these aliens were not born in Cuba. However, aliens in the DOC database include suspected and confirmed aliens, and are also made up of inmates who were legal and illegal immigrants at the time of their offenses.

**CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate**

**Requested by: Senate**